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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 140113035-5475-02]

RIN 0648-XD082

Pacific Island Fisheries; 2014-15 Annual Catch Limits and Accountability Measures; Main Hawaiian Islands Deep 7 Bottomfish

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final specifications.

SUMMARY: NMFS specifies an annual catch limit (ACL) of 346,000 lb for Deep 7 bottomfish in the main Hawaiian Islands (MHI) for the 2014-15 fishing year. As an accountability measure (AM), if the ACL is projected to be reached, NMFS would close the commercial and non-commercial fisheries for MHI Deep 7 bottomfish for the remainder of the fishing year. The ACL and AM specifications support the long-term sustainability of Hawaii bottomfish.

DATES: The final specifications are effective from *[insert date 30 days after date of publication in the FEDERAL REGISTER]*, through August 31, 2015.

ADDRESSES: Copies of the Fishery Ecosystem Plan for the Hawaiian Archipelago are available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808-522-8220, fax 808-522-8226, or www.wpcouncil.org. Copies of the environmental assessments and findings of no significant impact for this action, identified by NOAA-NMFS-2013-0176, are available from www.regulations.gov, or from Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Region (PIR), 1845 Wasp Blvd. Bldg. 176, Honolulu, HI 96818.

FOR FURTHER INFORMATION CONTACT: Jarad Makaiau, NMFS PIR Sustainable Fisheries, 808-725-5176.

SUPPLEMENTARY INFORMATION: On April 21, 2015, NMFS published proposed specifications and a request for public comments (80 FR 22158) for the Deep 7 bottomfish in the main Hawaiian Islands (MHI) for the 2014-15 fishing year. You may review additional background information on this action in the preamble to the proposed specifications; we do not repeat this information here.

Through this action, NMFS is specifying an ACL of 346,000 lb of Deep 7 bottomfish in the MHI for the 2014-15 fishing year. This ACL is the same as that set for the 2013-14 fishing year. The MHI Management Subarea is the portion of U.S. Exclusive Economic Zone around the Hawaiian Archipelago lying to the east of 161° 20' W. longitude. The Deep 7 bottomfish consist of:

onaga (*Etelis coruscans*), ehu (*E. carbunculus*), gindai (*Pristipomoides zonatus*), kalekale (*P. sieboldii*), opakapaka (*P. filamentosus*), lehi (*Aphareus rutilans*), and hapuupuu (*Epinephelus quernus*). The ACL that is established by this final rule adopts the Council's recommended ACL, which was based on the best available scientific, commercial, and other information, taking into account the associated risk of overfishing.

The MHI bottomfish fishing year started September 1, 2014, and is currently open. NMFS will monitor the fishery, and if the fishery reaches the ACL before August 31, 2015, NMFS will, as an associated accountability measure authorized in 50 CFR 665.4(f), close the non-commercial and commercial fisheries for Deep 7 bottomfish in Federal waters through August 31. During a fishery closure for Deep 7 bottomfish, no person may fish for, possess, or sell any of these fish in the MHI. There is no prohibition on fishing for or selling other (*non-Deep 7*) bottomfish throughout the year. All other management measures continue to apply in the MHI bottomfish fishery.

Comments and Responses

The comment period for the proposed specifications ended on May 6, 2015. NMFS received comments from three individuals, including two fishermen who participate in the Deep 7 bottomfish fishery, all in support of the proposed action.

Comments: In addition to expressing support for the proposed specifications, two commenters provided suggestions for improving future bottomfish stock assessments. The suggestions included increasing fishermen involvement in the development of stock assessment models, incorporating the potential effects of bottomfish restricted fishing areas in estimating exploitable biomass, and refining catch per unit of effort methodologies by better accounting for differences in catchability of bottomfish between fishermen of the various Hawaiian Islands due differences in available fishing areas, fishing strategies, and environmental factors.

Response: While these comments are beyond the immediate scope of the proposed specifications, NMFS continues to make improvements in the stock assessment process, and will consider the recommended actions in future stock assessments and updates. Additionally, NMFS is already reaching out to fishermen to ensure that their input is considered at important points in the bottomfish stock assessment process. NMFS continues to explore fishery-independent methods and technologies for assessing bottomfish resources. As information becomes available, NMFS will accommodate such data in future stock assessments to improve our understanding of the condition of bottomfish resources.

Changes from the Proposed Specifications

There are no changes in the final specifications from what was published in the proposed specifications on April 21, 2015.

Classification

The Regional Administrator, NMFS PIR, determined that this action is necessary for the conservation and management of MHI Deep 7 bottomfish, and that it is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed specification stage that this action would not have a significant economic impact on a substantial number of small entities. NMFS published the factual basis for certification in the proposed specifications, and does not repeat it here. NMFS did not receive comments regarding this certification. As a result, a final regulatory flexibility analysis is not required, and one was not prepared.

This action is exempt from review under Executive Order
12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 29, 2015

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs,
National Marine Fisheries Service.

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